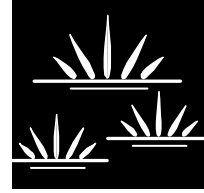


GLENN LUKOS ASSOCIATES

Regulatory Services



May 3, 2016

Frank Chen
KB Home
36310 Inland Valley Drive
Wildomar, California 92595

SUBJECT: Results of a Biological/Regulatory Overview of the Euclid and Broadway Property, a 2.35-Acre Property Located in Anaheim, Orange County, California.

Dear Mr. Chen:

Glenn Lukos Associates, Inc. (GLA) visited the above-mentioned property on March 2, 2016 to determine the presence of potential development constraints¹. For the purpose of this report, constraints are considered sensitive biological and jurisdictional resources that may 1) require partial or complete avoidance of resources; 2) require permits from one or more regulatory agencies; 3) require mitigation to offset impacts to resources; 4) result in a seasonal delay to development; and/or 5) require additional focused surveys.

Sensitive resources considered for this analysis include special-status species (e.g., threatened and endangered, species of concern, etc.), special-status habitats, nesting birds, waters of the United States (including wetlands) subject to the jurisdiction of the U.S. Army Corps of Engineers (Corps) and the Regional Water Quality Control Board, and waters of the State (including riparian vegetation) subject to the jurisdiction of the California Department of Fish and Wildlife (CDFW). Impacts to special-status species and habitats must be addressed during project review under the California Environmental Quality Act (CEQA). In addition, federally listed species (threatened or endangered) are regulated by the U.S. Fish and Wildlife Service (USFWS) pursuant to the Federal Endangered Species Act (ESA). Species listed as threatened or endangered by the State of California are regulated by CDFW pursuant to the State ESA. Wildlife that are assigned other designations by CDFW (i.e., species of concern, fully-protected species, etc.), and plants given special status by the California Native Plant Society (CNPS) are not granted additional protection, except that impacts to these species may need to be evaluated pursuant to CEQA.

¹ Please note, the biological constraints analysis will alert the client to potential constraints in development of the property. Additional analysis may be necessary to support any permitting that may be required and/or to satisfy local or lead agency requirements under CEQA. Separate and more detailed surveys may be required for the permitting/approval process, if needed.

1.0 SITE LOCATION AND DESCRIPTION

The approximately 2.35-acre property is located in the City of Anaheim, Orange County, California [Exhibit 1 – Regional Map]. The property is located immediately south of West Broadway and immediately east of South Euclid Street. The property consists of Assessor's Parcel Numbers 250-051-02 and 250-051-03, and is depicted on the U.S. Geological Survey (USGS) topographic map Anaheim, California (dated 1965 and photorevised in 1981 at Section 16, Township 4 South, and Range 10 West [Exhibit 2 – Vicinity Map].

The subject property is located within a fully-developed area, and is surrounded by commercial and residential developments. Immediately adjacent land uses include a gas station to the north, an apartment complex to the east, and various businesses to the south.

Exhibit 3 provides an aerial image of the site, including the property boundary. Exhibit 4 provides representative site photographs.

2.0 METHODOLOGY

GLA biologist David Smith visited the property on March 2, 2016 to conduct a site review. Site reconnaissance was conducted in such a manner as to allow inspection of the entire site by direct observation, including the use of binoculars. The property was inspected to determine whether any special-status species, habitats, or potential jurisdictional areas are present on site.

In addition to site reconnaissance, evaluation of the property included a review of the California Natural Diversity Database (CNDDDB) for the Anaheim quadrangle and surrounding quadrangles², a review of the 2010 California Native Plant Society (CNPS) on-line inventory³, and soil map review.

3.0 RESULTS

3.1 Existing Conditions

As discussed above, the subject property and the surrounding areas are fully developed, and therefore lack any type of native or non-native habitats, with the exception of ornamental landscaping. The property consists of an office building, two commercial buildings, and

² California Department of Fish and Wildlife. March, 2016. Natural Diversity Database: RareFind 5.

³ California Native Plant Society. 2010. On-Line Inventory of Rare and Endangered Plants of California (Eighth Edition).

associated parking lots. Vegetation predominately includes ornamental trees and shrubs, the majority of which are associated with the office complex and a block wall that extends along the eastern edge of the property. The block wall is covered with vines, and additional ornamental trees and shrubs are associated with the commercial building in the southern portion of the property.

Three bird species were detected at the property, including rock pigeon (*Columbia livia*), mourning dove (*Zenaida macroura*) and house finch (*Haemorhous mexicanus*), all of which are well-adapted to urban areas. Additional bird species common to urban areas are expected to occur at the property.

3.2 Special-Status Plants

The subject property does not support any special-status plants due to the lack of suitable habitat as a result of the site being developed. Table 1 provides a summary of all plants considered for this analysis. Species were considered based on a number of factors, including: 1) species identified by the March, 2016 CNDDDB as occurring (either currently or historically) on or in the vicinity of the property; and 2) any other species that are known to occur within the vicinity of the property, or for which potentially suitable habitat occurs on site.

Table 1. Special-Status Plants Evaluated for the Property.

Federal

FE – Federally Endangered

FT – Federally Threatened

State

SE – State Endangered

ST – State Threatened

CNPS Rare Plant Rank

Rank 1A – Plants presumed extirpated in California and either rare or extinct elsewhere.

Rank 1B – Plants rare, threatened, or endangered in California and elsewhere.

Rank 2A – Plants presumed extirpated in California, but common elsewhere.

Rank 2B – Plants rare, threatened, or endangered in California, but more common elsewhere.

Rank 3 – Plants about which more information is needed (a review list).

Rank 4 – Plants of limited distribution (a watch list).

CNPS Threat Rank Extensions

.1 – Seriously endangered in California (over 80% of occurrences threatened/high degree and immediacy of threat)

.2 – Fairly endangered in California (20-80% occurrences threatened)

.3 – Not very endangered in California (<20% of occurrences threatened or no current threats known)

Species Name	Status	Habitat Requirements	Potential for Occurrence
Chaparral sand-verbena <i>Abronia villosa var. aurita</i>	Federal: None State: None CNPS: Rank 1B.1	Sandy soils in chaparral, coastal sage scrub.	Does not occur due to a lack of suitable habitat.
Lewis' evening-primrose <i>Camissoniopsis lewisii</i>	Federal: None State: None CNPS: Rank 3	Sandy or clay soils in coastal bluff scrub, cismontane woodland, coastal dunes, coastal scrub, and valley and foothill grassland.	Does not occur due to a lack of suitable habitat.
Parish's brittlescale <i>Atriplex parishii</i>	Federal: None State: None CNPS: Rank 1B.1	Chenopod scrub, playas, vernal pools.	Does not occur due to a lack of suitable habitat.
Salt Spring checkerbloom <i>Sidalcea neomexicana</i>	Federal: None State: None CNPS: Rank 2B.2	Mesic, alkaline soils in chaparral, coastal sage scrub, lower montane coniferous forest, Mojavean desert scrub, and playas.	Does not occur due to a lack of suitable habitat.
San Bernardino aster <i>Symphyotrichum defoliatum</i>	Federal: None State: None CNPS: Rank 1B.2	Cismontane woodland, coastal scrub, lower montane coniferous forest, meadows and seeps, marshes and swamps, valley and foothill grassland (vernally mesic).	Does not occur due to a lack of suitable habitat.
Southern California black walnut <i>Juglans californica</i>	Federal: None State: None CNPS: Rank 4.2	Chaparral, cismontane woodland, coastal sage scrub, alluvial surfaces.	Does not occur due to a lack of suitable habitat.
Southern tarplant <i>Centromadia parryi ssp. australis</i>	Federal: None State: None CNPS: Rank 1B.1	Disturbed habitats, margins of marshes and swamps, vernally mesic valley and foothill grassland, vernal pools.	Does not occur due to a lack of suitable habitat.

3.3 Special-Status Animals

No special-status animals were observed during the general survey, and none are expected to occur at the property due to a lack of suitable habitats as a result of development.

Table 2 provides a summary of all species considered for the constraints analysis. Species were considered based on a number of factors, including: 1) species identified by the March 2016 CNDDDB as occurring (either currently or historically) on or in the vicinity of the property; and 2) any other special-status species that are known to occur within the vicinity of the property, or for which potentially suitable habitat occurs on site.

Table 2. Special-Status Animals Evaluated for the Property.

Federal	State
FE – Federally Endangered	SE – State Endangered
FT – Federally Threatened	ST – State Threatened
FPT – Federally Proposed Threatened	SSC – California Species of Special Concern
FSC – Federal Species of Concern	CFP – California Fully-Protected Species
BCC – Birds of Conservation Concern	

Species Name	Status	Habitat Requirements	Potential for Occurrence
Invertebrates			
Quino checkerspot butterfly <i>Euphydryas editha quino</i>	Federal: FE State: None	Larval and adult phases each have distinct habitat requirements tied to host plant species and topography. Larval host plants include <i>Plantago erecta</i> and <i>Castilleja exserta</i> . Adults occur on sparsely vegetated rounded hilltops and ridgelines, and are known to disperse through disturbed habitats to reach suitable nectar plants.	Does not occur due to a lack of suitable habitat.
Reptiles			
Coast horned lizard <i>Phrynosoma blainvillii</i>	Federal: None State: SSC	Occurs in a variety of vegetation types including coastal sage scrub, chaparral, annual grassland, oak woodland, and riparian woodlands.	Does not occur due to a lack of suitable habitat.

Species Name	Status	Habitat Requirements	Potential for Occurrence
Birds			
Allen's hummingbird (nesting) <i>Selasphorus sasin</i>	Federal: BCC State: None	Breeds in moist coastal areas, scrub, chaparral, and forests. Winters in forest edge and scrub clearings with flowers.	Does not occur due to a lack of suitable habitat.
Black-chinned sparrow (nesting) <i>Spizella atrogularis</i>	Federal: BCC State: None	Chaparral.	Does not occur due to a lack of suitable habitat.
Burrowing owl (burrow sites & some wintering sites) <i>Athene cunicularia</i>	Federal: BCC State: SSC	Shortgrass prairies, grasslands, lowland scrub, agricultural lands (particularly rangelands), coastal dunes, desert floors, and some artificial, open areas as a year-long resident. Occupies abandoned ground squirrel burrows as well as artificial structures such as culverts and underpasses.	Does not occur due to a lack of suitable habitat.
Coastal California gnatcatcher <i>Poliptila californica californica</i>	Federal: FT State: SSC	Low elevation coastal sage scrub and coastal bluff scrub.	Does not occur due to a lack of suitable habitat.
Mountain plover (wintering) <i>Charadrius montanus</i>	Federal: BCC State: SSC	Does not nest in California. Occurs within the state only during the wintering season. Largest numbers winter among grasslands and agricultural areas within the interior areas of the state.	Does not occur due to a lack of suitable habitat.
Olive-sided flycatcher (nesting) <i>Contopus cooperi</i>	Federal: BCC State: SSC	Breeds in montane and northern coniferous forests, at forest edges and openings, such as meadows and ponds. Winters at forest edges and clearings where tall trees or snags are present.	Does not occur due to a lack of suitable habitat.
Swainson's hawk (nesting) <i>Buteo swainsoni</i>	Federal: BCC State: ST	Summer in wide open spaces of the American West. Nest in grasslands, but can use sage flats and agricultural lands. Nests are placed in lone trees.	Does not occur due to a lack of suitable habitat.

Species Name	Status	Habitat Requirements	Potential for Occurrence
Vermilion flycatcher (nesting) <i>Pyrocephalus rubinus</i>	Federal: None State: SSC	Scrub, desert, cultivated lands, and riparian woodlands.	Does not occur due to a lack of suitable habitat.
Western yellow-billed cuckoo (nesting) <i>Coccyzus americanus occidentalis</i>	Federal: FT, BCC State: SE	Dense, wide riparian woodlands with well-developed understories.	Does not occur due to a lack of suitable habitat.
Yellow-breasted chat (nesting) <i>Icteria virens</i>	Federal: None State: SSC	Dense, relatively wide riparian woodlands and thickets of willows, vine tangles, and dense brush with well-developed understories.	Does not occur due to a lack of suitable habitat.
Yellow warbler (nesting) <i>Setophaga petechia</i>	Federal: BCC State: SSC	Breed in lowland and foothill riparian woodlands dominated by cottonwoods, alders, or willows and other small trees and shrubs typical of low, open-canopy riparian woodland. During migration, forages in woodland, forest, and shrub habitats.	Does not occur due to a lack of suitable habitat.
Mammals			
Western mastiff bat <i>Eumops perotis californicus</i>	Federal: None State: SSC	Occurs in many open, semi-arid to arid habitats, including conifer and deciduous woodlands, coastal scrub, grasslands, and chaparral. Roosts in crevices in cliff faces, high buildings, trees, and tunnels.	Does not occur due to a lack of suitable habitat.

3.4 Special-Status Habitats

A review of the March 2016 CNDDDB did not identify any special-status habitats as occurring within the vicinity or the property. The property does not support any special-status habitats.

3.5 Nesting Birds

The property contains vegetation (trees, shrubs, and herbaceous vegetation) with the potential to support nesting birds. Impacts to nesting birds are prohibited under the Migratory Bird Treaty

Act and California Fish and Game Code.⁴ The presence of vegetation with the potential to support nesting birds may represent a seasonal constraint to development if not removed at appropriate time of the year. As long as trees, shrubs, and herbaceous vegetation with the potential to support nesting birds are removed from September to January (outside of the nesting season), then no further actions are recommended. If vegetation must be removed during the nesting season (February 1 through August 31), a nesting bird survey should be conducted prior to any removals to prevent any impacts to active nests. If active nests are identified onsite, then adequate buffers should be provided around the nests, as determined by a qualified biologist, until the nests are no longer active.

3.6 Jurisdictional Waters

The property does not contain waters of the U.S. subject to the jurisdictions of the Corps and Regional Board, and does not contain waters of the State subject to the jurisdiction of the CDFW. Redevelopment of the site would not require any regulatory permits from the Corps, Regional Board, or CDFW.

4.0 CONCLUSIONS AND RECOMMENDATIONS

As noted above, the subject property (and surrounding areas) is fully developed, does not contain any native habitats, and does not have the potential to support any special-status plants or animals. The property does not contain any biological resources that would require permanent avoidance or mitigation, or that would require permits from the regulatory agencies.

Portions of the property contain ornamental trees and shrubs that have the potential to support nesting birds. The presence of nesting birds would represent a temporary, seasonal constraint to the re-development of the property, as active nests cannot be removed pursuant to the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code.

As long as vegetation with the potential to support nesting birds is removed outside of the nesting season, then no further actions are recommended. However, if vegetation must be removed during the nesting season (generally recognized as February 1 through August 31), then a qualified biologist should conduct a nesting bird survey to prevent any impacts to active nests.

⁴ The MBTA makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 C.F.R. Part 10, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 C.F.R.21). In addition, sections 3505, 3503.5, and 3800 of the California Department of Fish and Game Code prohibit the take, possession, or destruction of birds, their nests or eggs.

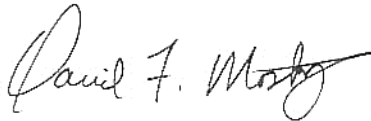
Frank Chen
KB Home
May 3, 2016
Page 9

If active nests are identified onsite, then adequate buffers should be provided around the nests, as determined by the biologist, until the nests are no longer active.

If you have any questions regarding this report, please call me at (949) 837-0404, ext. 42.

Sincerely,

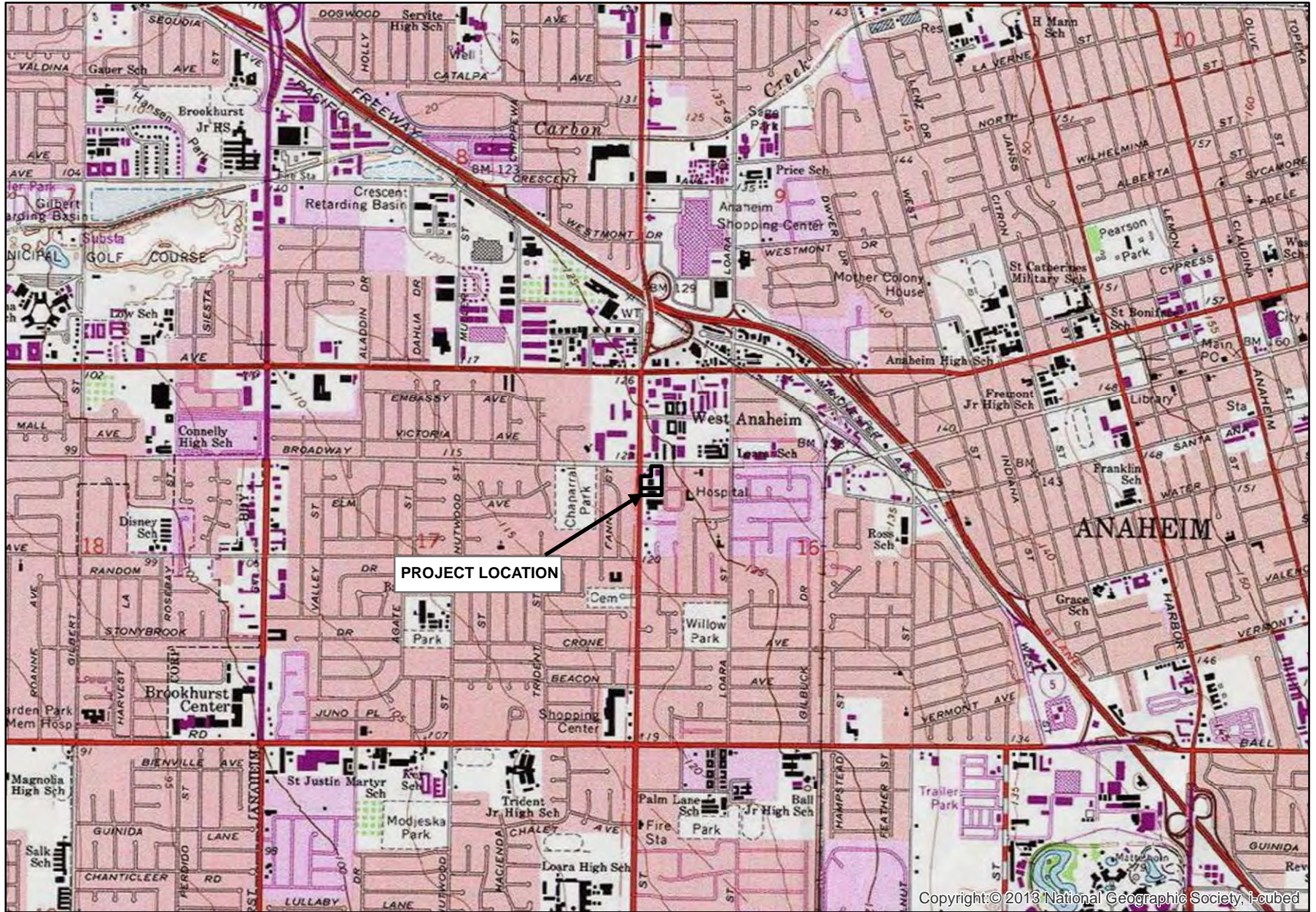
GLENN LUKOS ASSOCIATES, INC.

A handwritten signature in black ink that reads "David F. Moskowitz". The signature is written in a cursive, flowing style with a large initial 'D' and 'M'.

David Moskovitz
Senior Biologist/Regulatory Specialist

s:0168-135b.constraints.docx

Adapted from USGS Anaheim, CA quadrangle



Copyright: © 2013 National Geographic Society, i-cubed



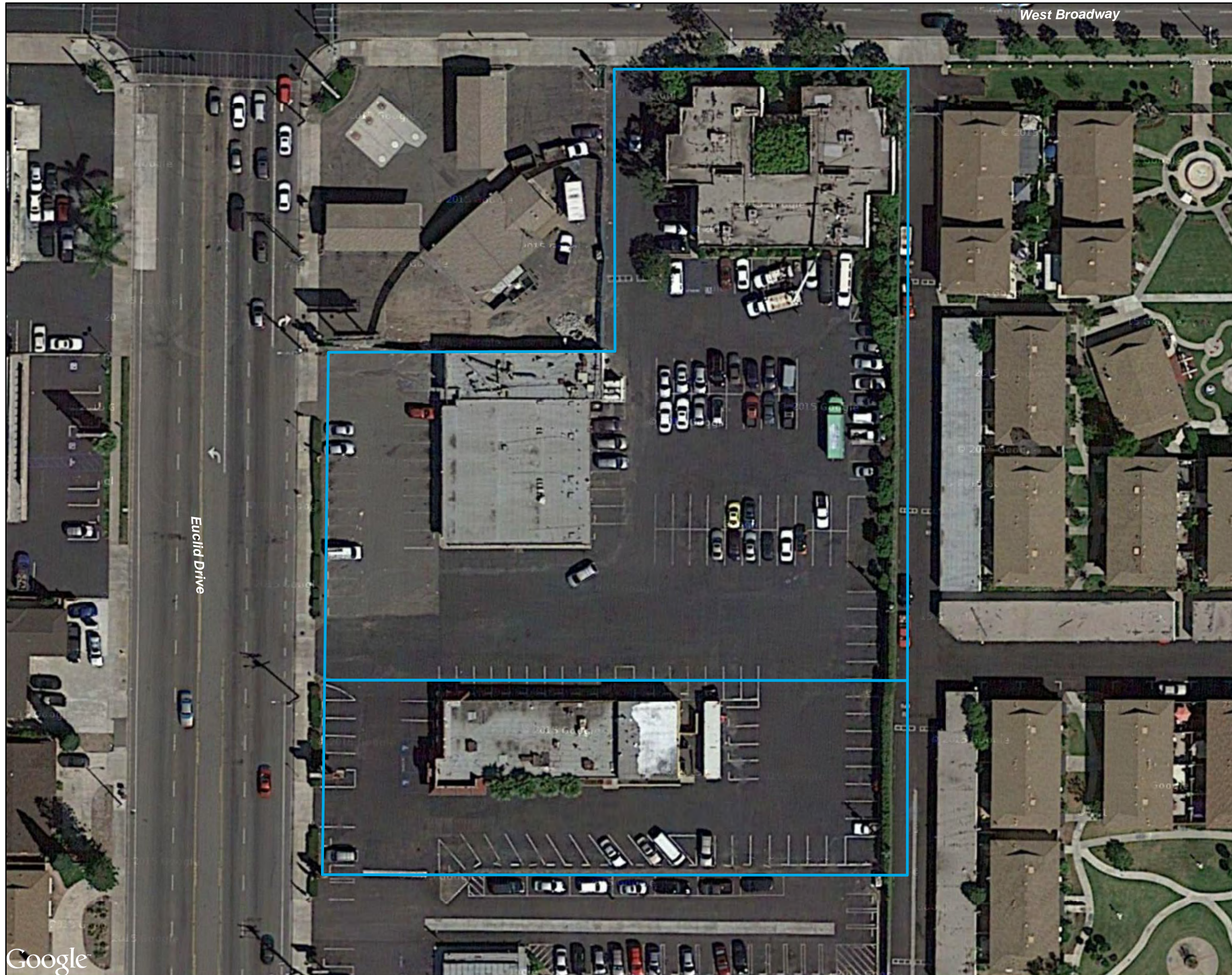
EUCLID AND BROADWAY PROPERTY

Vicinity Map

GLENN LUKOS ASSOCIATES



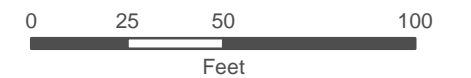
Exhibit 2



Google

Legend

 Parcel Boundary



1 inch = 50 feet

Coordinate System: State Plane 6 NAD 83
Projection: Lambert Conformal Conic
Datum: NAD83
Map Prepared by: C. Lukos, GLA
Date Prepared: March 7, 2016

EUCLID & BROADWAY PROPERTY

Aerial Map

GLENN LUKOS ASSOCIATES 

Exhibit 3



Photograph 1. View of office complex located south of Broadway.



GLENN LUKOS ASSOCIATES

Exhibit 4



Photograph 2. View looking south of the vegetated block wall located along the eastern property boundary.





Photograph 3. View of property looking north along Euclid Street.



GLENN LUKOS ASSOCIATES

Exhibit 4



Photograph 4. View of restaurant located in the southern portion of the property.

**EUCLID AND BROADWAY
PROPERTY**

Site Photographs

MEMORANDUM

GLENN LUKOS ASSOCIATES

Regulatory Services



PROJECT NUMBER: 0618-135-EUCL
TO: Frank Chen
FROM: David Moskovitz
DATE: April 24, 2017
SUBJECT: Response to Peer Review Comments for the Euclid and Broadway Residential Project, City of Anaheim, Orange County, California.

The purpose of this memorandum is to provide responses to peer review comments by Dudek for a Biological/Regulatory Overview report prepared by Glenn Lukos Associates, Inc. (GLA), dated May 3, 2016. Dudek provided their comments in a memorandum dated March 30, 2017.

The purpose of GLA's Biological/Regulatory Overview was to evaluate the project site for any biological resources considered constraints to development, including resources that may 1) require partial or complete avoidance of resources; 2) require permits from one or more regulatory agencies; 3) require mitigation to offset impacts to resources; 4) result in a seasonal delay to development; and/or 5) require additional focused surveys. The report was not specifically intended to support project review under the California Environmental Quality Act (CEQA); however, the report noted that the site is fully developed and does not support any sensitive biological resources. The results of the overview are sufficient to support a determination that the proposed project would not result in significant impacts to biological resources.

The project site and surrounding areas are fully developed, and therefore lack any type of native or non-native habitats, with the exception of ornamental landscaping. The project site includes an office building, two commercial buildings, and associated parking lots. Vegetation predominately includes ornamental trees and shrubs, the majority of which are associated with the office complex and a block wall that extends along the eastern edge of the property. The block wall is covered with vines, and additional ornamental trees and shrubs are associated with the commercial building in the southern portion of the property.

Due to the presence of the landscaping vegetation, GLA's report noted that the projects site has the potential to support nesting birds, but that as long as vegetation is removed outside of the nesting season, then no further actions are recommended. However, if vegetation must be removed during the nesting season (generally recognized as February 1 through August 31), then a qualified biologist should conduct a nesting bird survey to prevent any impacts to active nests.

MEMORANDUM

April 24, 2017

Page 2

If active nests are identified onsite, then adequate buffers should be provided around the nests, as determined by the biologist, until the nests are no longer active.

The stated purpose of Dudek's peer review was to determine: (1) adequacy for application to CEQA; (2) consistency amongst other technical studies; (3) accuracy in the representation of project information; (4) validity of methodology and assumptions; and (5) consistency with current professional standards and practices. Dudek provided two comments on GLA's report, which are provided below along with our responses. Neither of the comments has any bearing on the findings of GLA's report as to the presence of sensitive resources. Therefore, report revisions are not warranted.

- 1. Section 2.0 Methodology, Page 2 – Dudek noted that GLA's report referenced a review of the 2010 California Native Plant Society on-line inventory. Dudek recommend updating the date of the search to 2016 in order to reflect the year when the memo was prepared (and presumably when the search was conducted).**

The reference to 2010 is the year when California Native Plant Society (CNPS) on-line inventory was first published on-line, and was not intended to indicate that GLA reviewed the on-line inventory in 2010. For clarification, the CNPS inventory was reviewed in 2016 when the fieldwork was performed and the report was written. The CNPS inventory was used as a tool to identify special-status plants known from the region to be considered in the analysis of the project site. However, as the project site is fully developed, there is no potential for the site to support special-status plants.

- 2. Section 3.0 Results, Pages 2-8 – Dudek noted that although the project site is highly developed, there are still a handful of mature landscape trees found on-site that will require removal prior to project construction. Dudek recommend to briefly discuss any applicable local tree preservation/removal ordinances and how removal of these trees would comply with all relevant provisions.**

As Dudek noted, GLA's report documented the presence of numerous ornamental, landscape trees. The City of Anaheim Municipal Code identifies two ordinances pertaining to the removal of trees. Section 18.18.040 is related to the City's Scenic Corridor (SC) Overlay Zone. This section requires tree removal permits for certain "specimen trees" (eucalyptus, oak, pepper, and sycamore) for projects within the SC Overlay Zone, which is located east of the 55 Freeway. The project site is not located in the SC Overlay Zone, and therefore the ordinance does not apply to the project.

Section 13.12.060 pertains to the replacement of "street trees" to be removed; which may apply to the project, but would relate to landscaping requirements for City right-of-way. These trees are not considered special-status biological resources pursuant to CEQA, and

MEMORANDUM

April 24, 2017

Page 3

although the City may required the replacement of such trees, that analysis was not relevant to GLA's report.

If you have any questions regarding this memorandum, please contact me at (949) 837-0404, ext. 42 or dmoskovitz@wetlandpermitting.com.

p:0618-135a.peer review responses.docx

